

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SHERA JOSEPHS : Civil Action No.

Plaintiff, :

v. : COMPLAINT

MONARCH RECOVERY MANAGEMENT :
INC,

Defendant :

Plaintiff SHERA JOSEPHS ("Plaintiff"), by and through her attorneys, Jim Chehebar, Esq., as and for her Complaint against the Defendant, RUBIN AND RAIN, LLC, ("Defendant") respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New Jersey, residing at 110 Jennifer Drive, Lake wood NJ , 08701.

3. Defendant is a corporation duly organized and existing under the

laws of the State of Pennsylvania and engaged in the business of debt collecting with an office at 10965 Decatur Road, Philadelphia, PA 19154.

4. The Plaintiff is a "consumer" as that phrase is defined and used in the FDCPA pursuant to 15 U.S.C. §1692a (3).

5. Defendant is a "debt collector" as the phrase is defined and used in the FDCPA pursuant to 15 U.S.C. §1692a (6).

JURISDICTION AND VENUE

6. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331, 15 U.S.C. §1692 *et seq.* and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1337(a).

7. Venue is properly placed in this judicial district pursuant to 28 U.S.C. § 1391(b)(2), based upon plaintiff's residence within this district.

FACTUAL ALLEGATIONS

8. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "7" herein with the same force and effect as if the same were set forth at length herein.

9. Upon information and belief, Defendant, on its behalf, or on behalf of a third-party, as purchaser of the debt, began collecting an alleged consumer debt from the Plaintiff.

10. Upon On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of

communicating with the Plaintiff by leaving a message on the answering machine of phone numbers 732-364-4194, 732-367-9885 and 908-910-1079 on or about July and August, 2012.11. The Defendant left a message on the Plaintiff's phone (732-686-9136) on June, 12th, 2012.

11. The Defendant's message failed to provide the required disclosures that they are debt collectors attempting to collect a debt and that any information obtained would be used for that purpose.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

12. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "11" herein with the same force and effect as if the same were set forth at length herein.

13. 15 USC §1692e (11) requires that a debt collector disclose their identity in all communications with the consumer.

14. The Defendant, therefore, violated 15 USC §1692e(11) by failing to provide the required disclosures that they are debt collectors attempting to collect a debt and that any information obtained would be used for that purpose

15. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

WHEREFORE, Plaintiff demands judgment against the Defendant MONARCH RECOVERY MANAGEMENT Inc. as follows: For actual damages provided and pursuant to 15 USC §1692k(a)(1); For statutory damages provided and pursuant to 15 USC §1692k(2)(A); For statutory damages provided

further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

I certify that, to the best of my knowledge, this matter is not the subject of any other action pending in any court or of any pending arbitration or administrative proceeding.

Dated: November 27, 2012


M. HARVEY REPHEN & ASSOCIATES, P.C.

Jim Chehebar, Esq.

Of Counsel

4 Ross Court

Oakhurst, New Jersey 07755

(732) 616-6944

Attorney for the Plaintiff

Shera Josephs

To: Monarch Recovery Management, Inc.
10965 Decatur Road
Philadelphia, PA 19154

(Via Prescribed Service)

Clerk of the Court
United States District Court, District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

(For Filing Purposes)